

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA ex rel.
CORI RIGSBY and KERRI RIGSBY

RELATORS/COUNTER-DEFENDANTS

v.

CASE NO. 1:06cv433-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT/COUNTER-PLAINTIFF

and

HAAG ENGINEERING CO.

DEFENDANT

**STATE FARM'S MOTION FOR RECONSIDERATION OF THIS COURT'S
NOVEMBER 18, 2010 OPINION [821] & ORDER [822] RE: DAVID J. FAVRE, SR.**

State Farm Fire and Casualty Company ("State Farm") submits this motion for reconsideration of this Court's November 18, 2010 Opinion ([821]) and Order ([822]), which denied State Farm's motion *in limine* to exclude David Favre's repair cost estimates and testimony. Though the Court correctly recognized that, as a general rule, actual repair costs render repair cost estimates – like Mr. Favre's estimate of the flood damage to the McIntosh property – irrelevant for the purposes of assessing property damage, the Court nevertheless found that this general rule did not apply in this case, even though the flood damage to the McIntosh property has been repaired fully and there are scores of receipts in the record documenting the actual repair costs. (*See* [821] at 3.) State Farm would show:

1. State Farm incorporates by reference its concomitant memorandum of authorities, including all evidence, argument and law contained therein.

WHEREFORE, PREMISES CONSIDERED, for the foregoing reasons, State Farm respectfully urges this Court to reconsider its November 18, 2010 Opinion ([821]) and Order ([822]), and to exclude David Favre's testimony and report from trial.

This the 10th day of December, 2010.

Respectfully submitted,

STATE FARM FIRE AND CASUALTY COMPANY

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CERTIFICATE OF SERVICE

I, E. Barney Robinson III, one of the attorneys for State Farm Fire and Casualty Company, do hereby certify that I have this day caused a true and correct copy of the foregoing instrument to be delivered to the following, via the means directed by the CM/ECF system and as otherwise indicated below:

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This the 10th day of December, 2010.

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